



Request for Proposal (RFP) Manual For The Metropolitan Sewer District of Greater Cincinnati (MSDGC)

EFFECTIVE DATE: January 28, 2016

City Manager

A blue ink signature of Harry Black, written over a horizontal line.

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Chief Procurement Officer

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Patrick A. Duhaney

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INTRODUCTION TO THE RFP

The Requests for Proposals (RFP) process differs from the traditional Invitation to Bid (ITB) process in some important ways. The ITB is the basic method for procuring supplies or services with a contract value of \$50,000 or more. Generally, when the City uses the ITB process, the City will award the contract to the vendor that meets all of the City's bid requirements and offers the lowest price.

The RFP process permits the City to weigh the relative merits of proposals submitted by competing vendors. The City awards the contract to the vendor submitting the most advantageous proposal, taking into consideration the proposals' relative merits based on evaluation factors and prices. Unlike the ITB process, the purpose of the RFP process is not necessarily to yield the cheapest price, but rather to identify the Offeror that provides the City with the most advantageous combination of price and other factors as well.

The RFP process is used primarily for the procurement of professional services, non-standard services, and specialized products or supplies. In some cases, it is appropriate to use to RFP process for construction¹ and supplies.

A definition of professional services, non-standard services, specialized products or supplies is provided below:

- Professional services are those personal services which involve extended analysis, expression of opinion, exercise of discretion and independent judgment in their performance, and an advanced specialized type of knowledge, expertise or training customarily acquired by either a prolonged course of study or equivalent experience in the field. The performance of professional services may require a license, official certification or authorization by the state.
- Nonstandard services are those personal services which involve unique or unusual circumstances, requiring a procurement and oversight process different from competitive bidding. Depending on the circumstances, examples of nonstandard services may include concession or revenue-generating agreements, services subject to the managed competition process, and certain on-going social services.
- Specialized Products or Supplies are items needed to provide a solution to highly complex operation, such as water treatment processes. These items cannot be clearly defined within routine specifications.

The Purpose of this Manual

The purpose of this manual is to provide guidelines to the City's Department of Sewers, also known as the Metropolitan Sewer District of Greater Cincinnati (MSDGC), for the use of the competitive RFP or RFQ in lieu of competitive Invitation to Bid (ITB). This manual will assist users in understanding the City's

¹ For Consent Decree related projects, the City is subject to State of Ohio laws. State law specifically prohibits the use of the RFP process for construction, unless as a Design-Build or Construction Manager at-Risk procurement. For non-Consent Decree sewer projects or procurements, the City may apply City of Cincinnati procurement policies and laws. However, in general practice, the City applies state of Ohio laws for purchases unique to the MSDGC and not shared by other City departments.

RFP process and to provide a consistent format in the way RFP's are written by all City Departments, reducing the development, editing time and likelihood of errors while increasing efficiencies. Consequently, users should contact a Buyer in the Purchasing Division who will also provide professional advice as to whether an RFP or ITB is the correct procurement method.

Purchasing Authority

The City's authority to utilize the Requests for Proposals (RFPs), Requests for Qualifications (RFQs), and Requests for Information (RFI) procurement processes is derived from the Cincinnati Municipal Code (CMC) via Section 321-19 and 321-51 through 321-69. Furthermore, Administrative Regulations No. 23 and 62, issued by the City Manager, pursuant to his authority as chief executive officer of the City of Cincinnati, regulate the use of the RFP procurement process. The Chief Procurement Officer is charged by both the CMC and the City Manager with promulgating the rules and procedures that govern the RFP, RFQ, and RFI procurement processes.

As it relates to MSDGC, as determined under the findings of the U.S. District Court Southern District of Ohio Western Division on June 26, 2014, the City applies State of Ohio procurement law as it relates to Boards of County Commissioners in procuring contracts for MSDGC Consent Decree sewer projects. Generally, that law is contained within Sections 307.86 - .92 of the Ohio Revised Code (ORC). Additional chapters and/or sections of the ORC also may apply, depending on the nature of the procurement (e.g., design-build, construction manager at risk, or professional design/surveyor services).

For non-Consent Decree sewer projects or purchases, the City may apply City of Cincinnati procurement policies and laws. However, in general practice, the City applies state of Ohio laws for purchases unique to the MSDGC and not shared by other City departments.

A copy of the aforementioned municipal codes and administrative regulations are available on the City intranet and internet site or upon request to the Purchasing Division.

Circumventing Procurement Laws

City procurements are governed by state and federal law, as well as the City Municipal Code. There are criminal penalties associated with attempts to avoid compliance with procurement laws. It is important that City employees follow the procedures provided in this manual and refrain from splitting, separating, or breaking up purchases with the intent to circumvent procurement laws or policies. Not following these procedures could hold a public employee personally liable for any illegal purchases which may result in termination and/or prosecution.

Conflicts of Interest and Contracting Ethics

The competitive nature of the public purchasing arena and the expenditure of significant amounts of public funds require strong ethical standards at all levels of the purchasing function. Division of Purchasing staff and City departmental staff face the challenging task of developing good vendor relations and encouraging vendor competition while avoiding even the appearance of favoritism or other ethical misconduct.

All City employees, but particularly procurement personnel, should avoid conflicts of interest when it relates to procurement activities. In this regard, City employees may not:

- Participate in or work on a contract knowing that the employee or a member of the employee's immediate family has an actual or potential financial interest in the contract. Such participation could include taking action as an employee through decision, approval, disapproval, recommendation, giving advice, investigation or similar action in connection with the contracting opportunity.
- Solicit or accept anything of value from an actual or potential vendor.
- Be employed by, or agree to work for, a vendor or potential vendor.
- Knowingly disclose confidential information for personal gain.

When an actual or potential violation of any of these standards is discovered, the person involved shall promptly file a written statement concerning the matter with an appropriate supervisor or with the Division of Purchasing. The person may also request written instructions and disposition of the matter. If an actual violation occurs or is not disclosed and remedied, the employee involved may be reprimanded, suspended, or dismissed. The vendor or potential vendor may be barred from receiving future contracts and have an existing contract canceled.

In addition to the restrictions on contracting with the City, City employees are prohibited from soliciting, demanding, accepting or agreeing to accept from another person a gratuity or an offer of employment in connection with any procurement decision. Similarly, City employees are prohibited from accepting any payment or offer of employment made by or on behalf of a subcontractor as an inducement for the award of a subcontract or order. Finally, employees may not knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

Unfair Competitive Advantages

Fairness and transparency in the procurement process require that Bidders/Offerors competing for a specific project do not derive a competitive advantage from having provided services related to the project/contract/work assignment in question. To that end, pursuant to Administrative Regulation No. 62, a firm, and each of its affiliates, hired to provide services for the preparation or implementation of a project shall be disqualified from any subsequent procurement solicitation to provide goods, works, or services resulting from or directly related to the firm's services for such preparation or implementation, unless an exception is made by the City Manager in writing.

City Departments shall make available to the Chief Procurement Officer a list of the firms that provided services for the preparation or implementation of a project prior to the City releasing any bid, RFP, or RFQ or similar methods of procurement.

Professional and Nonstandard Services Excluded from Procurement

Pursuant to Administrative Regulation No. 23, the following professional services and/or nonstandard services shall not be subject to the requirements of this manual: unique personal services such as contracts for expert witness legal services or special/outside counsel as required and directed by the City Solicitor, or contracts for unique services directed by the City Manager or City Council.

Waiving the Procurement Requirements in this Manual

While an open and fair competitive process in contracting is the rule, there are exceptions where a department may need to request a waiver of the procurement requirements outlined in this manual. Reasons necessitating a waiver may include:

1. The contractor is a sole provider.
2. An emergency situation exists.²
3. It is in the Best Interest of the City

For items #1 and #2, the department should contact City Purchasing for assistance in following the established City processes for these situations.

For item #3, the department needs to request a formal waiver of the requirements set forth in Administrative Regulation No. 23 and this manual. The Chief Procurement Officer may approve a waiver of competition for contracts estimated at or below \$50,000. For contracts that exceed \$50,000 as a single contract or as multiple contracts for the same services within 12 consecutive months, the waiver of competition shall be reviewed by the Chief Procurement Officer and submitted to the City Manager for approval.

Noncompetitive purchases for the City are an exception and must be strictly controlled and carefully documented. It is also important to remember that negotiation should be conducted before agreeing to the purchase because the lack of competition may lead a vendor to charge unreasonably high prices.

Determining Whether RFI, RFP, or RFQ is Appropriate

The choice of which procurement document to use: Request for Information (RFI), Request for Proposal (RFP), or Request for Qualifications (RFQ) depends on the desired outcome or what is needed by the agency – is it information, is it a solution to a problem, or is the agency looking for a qualified Offeror to provide a professional service.

- **Request for Information (RFI)** - A RFI does not result in a contract. With a RFI, the Buyer solicits feedback from suppliers and may re-open or re-issue a procurement opportunity at a later day. The goal of the RFI process is to obtain more specific information that will help a City department clearly define its “Scope of Services” statement. An RFI should not be used when an RFP or RFQ would be more appropriate. If in doubt, consult with the Purchasing Division. The RFI process is open and public. The use of this process will not directly result in a contract;

²Depending on the emergency situation and if it is a Consent Decree related issue, MSDGC may be subject to the emergency provisions of ORC 307.86(A).

however, this process may provide a Department with sufficient information to issue a subsequent RFP or RFQ or identify potential Offerors in the market to compete in a subsequent procurement solicitation.

- **Request for Proposal (RFP)** - A RFP is generally used where it is not best to select a vendor solely on the lowest price. The goal of the RFP process is to identify the Offeror that provides the most advantageous proposal to design, plan, or complete a project or task. The RFP process may be used alone or as a two-step process with a RFI or RFQ process preceding it. RFPs when used as the second step in the RFQ process, do not require publication or other announcement. One or more contract award can be made pursuant to a RFP.
- **Request for Qualifications (RFQ)** - A RFQ is a solicitation document requesting that vendors submit a statement of qualifications to demonstrate their expertise in response to the scope of services required. Typically, pricing is not a major criterion for award in a RFQ process.³ In some cases, pricing may not even be discussed until negotiating with the selected Offeror. The goal of the RFQ process is to identify one or more qualified Offerors in specific disciplines. For two-step procurements (e.g., Design-Build and Construction Manager At-Risk), a specific RFP may be prepared and distributed directly to all appropriate Offerors that were short-listed after participating in a RFQ process. One or more contract award can be made pursuant to a RFQ.

³ For purchases unique to MSDGC or Consent Decree related subject to the State of Ohio Qualifications Based Selection process (e.g., professional design services, construction management services, etc.), the City is specifically prohibited from using price as a criterion for awarding a contract.

IMPORTANT CONSIDERATIONS UNIQUE TO MSDGC

As it relates to MSDGC, as determined under the findings of the U.S. District Court Southern District of Ohio Western Division on June 26, 2014, the City applies State of Ohio procurement law as it relates to Boards of County Commissioners in procuring contracts for MSDGC Consent Decree sewer projects. Generally, that law is contained within Sections 307.86 - .92 of the Ohio Revised Code (ORC). Additional chapters and/or sections of the ORC also may apply, depending on the nature of the procurement (e.g., design-build, construction manager at risk, or professional design/surveyor services).

For non-Consent Decree sewer projects, the City may apply City of Cincinnati procurement policies and laws. However, in general practice, the City applies state of Ohio laws for purchases unique to the MSDGC and not shared by other City departments.

This section will cover the unique requirements of State of Ohio procurement law that diverge from the CMC and City policies as it relates to using competitive sealed proposals (i.e., RFP) as a procurement method and the procurement professional architectural/engineering design services, construction management services, and professional consulting services in greater detail. The information here is presented as if the City is soliciting for purchases unique to MSDGC or a MSDGC Consent Decree related project. For non-Consent Decree related projects, the City may apply City of Cincinnati procurement policies as it relates to the use of RFP methodology for procurement.

Using RFP Method for Purchases Unique to MSDGC

In lieu of competitive bidding, the City may use competitive sealed proposals⁴ when it determines that it would be advantageous to do so. City may use the RFP process for the procurement of supplies and services. The RFP process may not be used for any public improvement project (i.e., construction, repair, etc.). When using the RFP process for purchases unique to MSDGC, the City, in addition to its traditional public notice requirements, must give notice in a newspaper of general circulation. Contracts may be awarded in whole or in part to one or more vendors consistent with the RFP.⁵ The aforementioned are the only areas where the State's RFP laws differ from the City of Cincinnati's laws and policies.

Procuring Professional Design Services Unique to MSDGC

Professional design services mean the services of an architect or landscape architect or professional engineer or registered surveyor. State law requires the City to follow what is generally referred to as a qualifications based selection (QBS) process when hiring a design professional (ORC 153.65 - 153.71). State law specifically prohibits public entities from requiring professional design firms to submit "any form of fee estimate, fee proposal, or other estimate or other measure of compensation. . . ." (ORC 153.691).

ORC 153.65 defines qualifications as follows:

⁴ The competitive sealed proposal is just another name for Request for Proposal (RFP).

⁵ According to ORC 307.862, if the City desires to possibly award multiple contracts, the RFP document must include information regarding any partial or multiple party awards and what parts of a contract might be subject to partial or multiple party awards.

WHAT GOES INTO A RFP PROCESS?

1. Competence of the design firm to perform the required services as indicated by the technical training, education, and experience of the firm's personnel, especially the personnel assigned to perform the services.
2. Ability of the firm in terms of its workload and availability of qualified personnel, equipment, and facilities to perform the required services competently and quickly.
3. Past performance of the firm as reflected by the evaluations of previous clients with respect to cost control, quality of work, and meeting of deadlines.
4. Any other relevant factors as determined by the public authority

Professional Design Services No Greater than \$50,000

For projects with an estimated design fee of less than \$50,000, ORC 153.71 allows public authorities (e.g., MSDGC) to select a qualified engineer or architect from among those who have a current statement of qualifications (SOQs) on file with the authority and to proceed directly to the contract negotiation phase.⁶ Per the MSDGC SBE Program Rules and Guidelines, unless it is determined impractical or not in City's best interest, professional design opportunities at or below \$50,000 must go to a SBE. Basically, if an SBE is qualified to do the work, available to do work, they have a current statement of qualifications (SOQs) on file with MSDGC, and MSDGC is able to negotiate a fair and reasonable contract with the SBE, then they should be awarded the contract.

Professional Design Services in Excess of \$50,000

State law requires the use of a QBS process for procuring the services of a professional design professional. ORC 153.65 - 153.71). This is done through a Request for Qualifications (RFQs) procurement method. The RFQ is used to limit the pool of potential vendors to those ranked in order of most qualified to provide the design services in question. Once the most qualified firm has been identified, the City is to open contract negotiations with that firm to establish the project scope of services and the fee for those services (ORC 153.69). On occasion, the City and firm ranked most qualified will be unable to reach a contract agreement. If an impasse is reached, the City should terminate discussions with the first-ranked firm and invite the firm ranked second on the short-list to enter into contract discussions (Ohio Revised Code 153.69)

Procuring Services of a Construction Manager Unique to MSDGC

A construction manager is a person with authority to plan, coordinate, manage, and direct all phases of a public improvement project, but excludes any person who is a design professional or who actually performs construction work. State law requires MSDGC to follow a qualifications based selection (QBS) process when hiring a construction manager (ORC 9.332). This is typically done through a Request for Qualifications (RFQs) procurement method. ORC 9.33 defines a construction manager's qualifications as follows:

1. Competence to perform the required management services as indicated by the technical training, education, and experience of the construction manager's personnel, especially the technical training, education, and experience of the construction manager's or construction manager at risk's employees who would be assigned to perform the services.

⁶ The City reserves the right when in its best interest, as determined by its Chief Procurement Officer, to bypass this process and issue RFQ for professional design services with an estimated design fee of less than \$50,000.

WHAT GOES INTO A RFP PROCESS?

2. Ability in terms of workload and the availability of qualified personnel, equipment, and facilities to perform the required management services competently and expeditiously.
3. Past performance of the firm as reflected by the evaluations of previous clients with respect to cost control, quality of work, and meeting of deadlines.
4. Financial responsibility as evidenced by the capability to provide a letter of credit pursuant to Chapter 1305 of the Revised Code, a surety bond, certified check, or cashier's check in an amount equal to the value of the construction management contract, or by other means acceptable to the public authority.
5. Other similar factors.

The City must advertise notice of its intent to employ a construction manager. The notice must invite interested parties to submit proposals for consideration, be published at least thirty days prior to the date for accepting the proposals⁷, and be published in a newspaper of general circulation.

Once the most qualified firm has been identified, the City is to open contract negotiations with that firm to establish the project scope of services and the fee for those services (ORC 9.332). On occasion, the City and firm ranked most qualified will be unable to reach a contract agreement. If an impasse is reached, the City should terminate discussions with the first-ranked firm and invite the firm ranked second on the short-list to enter into contract discussions (ORC 9.332).

Procuring Services of a Professional Consultant Unique to MSDGC

ORC 307.86 exempts the services of a professional consultant, such as accountants, physicians, etc., from competitive bidding or any other procurement requirements.⁸ As previously described in this manual, competition encourages competitive pricing, maximum participation by vendors, promotes transparency and accountability, and increases awareness of available options. As such, competitive procurement methods shall be the default procurement selection for professional consulting services. Procurement of all professional consultant services for MSDGC is subject to the requirements of this Manual, the MSDGC SBE Rules & Guidelines, and Administrative Regulations No. 23 and 62, issued by the City Manager, pursuant to his authority as chief executive officer of the City of Cincinnati.

⁷ ORC 9.331 refers to proposals as what is submitted by interested parties in response to the solicitation. However, a Request for Proposal (RFP) procurement process is not appropriate for procuring the services of a construction manager, as the steps required by statute and otherwise recommended to comply with the qualification-based selection process applicable to select a construction manager is distinctly more akin to RFQ process than the RFP process.

⁸Professional services exclude professional design services. Design professionals such as professional engineers, architects, landscape architects, and surveyors as well as the services of construction managers must generally be procured using the State's qualifications based selection process (See ORC 153.65, 9.33).

WHAT GOES INTO A RFP PROCESS?

***Note:** “Is There Already a Contract Available?” - Before starting the process of formulating a RFP, contact your purchasing liaison or dedicated department buyer to inquire if an existing contract is available to satisfy your needs. Prior to proceeding with a RFQ or RFP, Departments are required to fill out a RFP/Q Solicitation Preparation Checklist. This checklist will provide the Purchasing Division with information necessary to prepare a procurement summary to present the project to the City Manager for approval at the weekly Procurement Review Committee meeting. A copy of the checklist can be found in Appendix E to this manual.*

When procuring via a RFP, the department must specify all of the factors, including price (if applicable), that it will consider in determining which proposal is the most advantageous to the City. Subjective as well as objective (measurable) criteria may be used to evaluate and select contractors. In most cases, the element of cost should always be a significant consideration when evaluating proposals.

The RFP process is complex and may take longer than a simple competitive bid selection. Generally, the RFP process includes the following steps:

- Department identifies the need;
- Purchasing Division advises Department of process;
- Department submits goal information sheet to the MSDGC SBE Manager for projects over \$50,000;
- Evaluation Committee is proposed to the Chief Procurement Officer or the City Manager for projects over \$50,000;
- Purchasing Division seeks City Manager approval of project if over \$50,000;
- Draft RFP is finalized;
- Public advertisement of RFP (at least two weeks);
- Non-mandatory Pre-proposal meeting or Site Visit held (optional);
- Submission of written proposals by Offerors;
- Evaluation of written proposals by the City;
- Oral presentations from selected Offerors (optional);
- Recommendation to the Chief Procurement Officer and City Manager of one or more proposals as most advantageous to the City;
- Contract negotiations with one or more Offerors; and
- Execution of contract by the City Manager.

RFP Template

The latest version of the RFP Template is available on City Matters, the City’s intranet. The template is constantly evolving with the procurement procedures of the City and is often revised to meet the changing needs of the Departments. Be sure to use the most update template each time you begin to draft a new RFP. Do not use old templates. The Purchasing Division will not publish or process RFPs utilizing outdated templates.

The RFP Template provides the skeletal components for writing an RFP. Each RFP is written to the specific requirements of the Department for its need at the particular time, thus making each one unique. The RFP template is not all inclusive of every procurement need of the City. The type of professional services, non-standard services, specialized products or supplies, or construction⁹ to be procured will usually determine what basic components to keep and to omit when writing an RFP. In addition, there may be additional language to include in the RFP that is not in the standard RFP Template. The purpose of this template is to display and assist the agencies with the format and components of an actual RFP.

If you have any questions concerning the RFP Template, refer to this manual. If further clarification is needed, please contact your purchasing liaison or dedicated buyer.

Scope of Services

One of the most important parts of any RFP is the Scope of Services/Specifications, which contains the technical specifications, deliverables and performance requirements of the goods and services sought by the City.

The Scope of Services must provide a general description of the following:

- A description of the services/products to be provided;
- Specified drawings/schematics, diagrams, if any;
- Pricing methods—unit pricing, time & materials, lump sum, etc.;
- Schedule—when deliverables are required;
- Level of experience—the level of experience in the type of work to be performed;
- Qualifications—the minimum qualifications required from proposer.

The purpose of writing a Scope of Services is to assure that the proposers/Offerors have clear understanding on what the City wants them to deliver. For this reason, the Scope of Services should specify the performance requirements of the deliverables being requested, not merely describe them. Review of the Scope of Services in the case of a non-routine procurement, such as a custom software program, is advisable.

The Scope of Services will more than likely be incorporated into the resultant contract. Therefore, it should clearly encompass all elements of the project for the desired results, including the criteria, standards, and/or measure of the work. A contract can only be binding to the degree that the City has clearly defined the responsibilities of the Offeror. Many conflicts can be prevented “up front”, by carefully defining the work to be completed by the Offeror. The City can more easily monitor the Offeror’s performance when schedules and tasks clearly defined and specified.

⁹ For Consent Decree related projects, the City is subject to State of Ohio laws. State law specifically prohibits the use of the RFP process for construction, unless as a Design-Build or Construction Manager At-Risk procurement. For non-Consent Decree sewer projects or procurements, the City may apply City of Cincinnati procurement policies and laws. However, in general practice, the City applies state of Ohio laws for purchases unique to the MSDGC and not shared by other City departments.

WHAT GOES INTO A RFP PROCESS?

Note: Occasionally, City departments may enlist a third party to aid in the development of the Scope of Services. As a general rule, such third parties are ineligible to submit proposals for RFPs or RFQs for which they assisted the development of the Scope of Services. City Departments shall make available to the Chief Procurement Officer a list of the firms that aided in the preparation of a RFP or RFQ prior to the issuance of the RFP or RFQ.

Structuring the RFP

The RFP document consists of many sections. The sections listed below attempt to cover the key elements included in any RFP issued by the City of Cincinnati, but is not intended to be a representation of all the sections included in the RFP document. The designated City representative with the consultation of a Buyer in the Purchasing Division may delete, add or reorganize these sections to meet the requirements of the particular procurement need:

- **Cover Page** – The cover page specifically lists the title of the RFP, RFP number, RFP due date, RFP issue date, assigned Buyers contact information, acceptance place, and instructions on how a prospective Offeror may register or seek SBE certification with the City.
- **Introduction of the RFP** – This three- to four-sentence paragraph should be limited to a simple statement summarizing the action the City intends to accomplish. This statement immediately helps the Offeror to make a judgment as to whether the firm is in a position to undertake the project.

For example: “The City of Cincinnati, Ohio, (hereinafter referred as “City”) is issuing this Request for Proposals (hereinafter "RFP") pursuant to the provisions of the Cincinnati Municipal Code (CMC), Chapter 321 and City Manager Administrative Regulation 23 for Professional Services, from parties, (hereinafter "Offerors"). The Offeror shall provide (general statement of services require (reason why you’re issuing the RFP))”

- **General Background Information** – Background information should include only information judged necessary to help proposers understand the requirements. A brief narrative describing the department in need of the services and the general background and historical events leading up to the present need may be appropriate.
- **Scope of Services** – The Scope of Services section of a RFP or RFQ may be constructed by specifying:
 - What the department wants (right materials/services and right quality);
 - How many or how much the department wants (right quantity);
 - When the department wants what it needs (right time); and
 - Where the department wants to receive what it wants (right place).
- **Offeror Qualifications** – This section states the minimum qualifications the City requires from Offerors/proposers. Qualifications may include, but is not limited to the following:
 - Firm experience in the field and/or with similar projects to the City’s;
 - Qualifications of key personnel to be assigned to the City project;
 - Certificates or licenses (if required);
 - Proximity of a firm’s office to the City;
 - Company and key personnel references; and

WHAT GOES INTO A RFP PROCESS?

- Financial capacity.
- **RFP Process Timetable** – This section establishes the timetable for each RFP milestone. Below are some of examples of what to include:
 - RFP release or issue date
 - Deadline for Offerors to submit written questions or request clarification;
 - Pre-proposal meeting;
 - Proposal submission date and time;
 - Oral presentations or interview;
 - Start of field evaluations;
 - Award to most advantageous Offeror or Offerors.
- **Questions Concerning the RFP** – This section addresses how questions concerning the RFP will be handled and who is the authorized point of contact for the RFP.
- **Pre-proposal Meeting (optional)** – This section addresses the date, time, and location of the pre-proposal meeting if the department elects to have one. The purpose of the meeting is to help prospective Offerors understand of the requirements, provisions of the RFP.
- **RFP Submission Requirements** – This section should specify to the Offerors where to submit, how to submit, the number of originals, copies, and electronic copies of the proposal and any other specifics with respect to submitting the proposal in response to the RFP.
- **Selection Process and Award Criteria** – “Most Advantageous” criteria should be used in the evaluation section of RFP to state the basis of award for the proposal and to provide guidance to the proposer about how proposals will be evaluated. Only those items included in the RFP should be applied in evaluating proposals. The City cannot base award on criteria not presented to Offerors in the solicitation document.

The RFP should specify that only the information provided with the proposal, subsequent written clarifications provided in writing to all interested parties and oral presentations (if applicable) will be used in the evaluation process and award determination. The award criteria section must describe the areas to be evaluated. The City may provide related weights given or listed in order of importance of each evaluation criteria.

- **Process for Entering into an Agreement** – This section describes the process for award and entering into an agreement with the most advantageous Offeror or Offerors.
- **Addenda and Changes to RFP** – This section explains how changes or addenda to the RFP will be handled and that it is the Offerors responsibility to monitor for addenda and/or corrections to the RFP.
- **Proposed Contract Term** – The expected contract period or expected completion date is stated here along with any renewal options.

WHAT GOES INTO A RFP PROCESS?

- **Proposal Content and Form** – This section lists what should be included in the proposal response and the format for submission.
- **Standard City Contract Terms and Conditions** – This section of the RFP is designed primarily for those contract clauses that are not directly related to the Scope of Services, but which are needed to:
 - Minimize the risk to the City of Cincinnati;
 - Ensure that the City receives what it has bargained for; and
 - Ensure clarity of the rights and remedies available to the City of Cincinnati, as well as the eventual contractor.

Such clauses may amend or expand the standard boilerplate clauses contained in the RFP depending on the user department requirements.

The standard City contract terms and conditions are provided in the RFP to allow Offerors the chance to review and make any exceptions in consideration to contract negotiations. Unless otherwise stated by the Offeror in response to the RFP, the Offeror agrees to the Contract Terms and Conditions of the RFP, which later will become part of the negotiated contract.

- **SBE Requirements** – This section of the RFP describes the economic inclusion program and, if any, subcontracting goals that apply to the specific project.
- **EEO requirements** – This section describes the Equal Employment Opportunity (EEO) Program requirements which applies to City contracts that exceed \$5,000 in value (CMC Chapter 325).
- **Attachments and Forms** – This section incorporates those additional forms necessary for the proposal process, such as pricing, proposed implementation plan, or resume forms. It may also be used to incorporate information or requirements related to the Scope of Services. Examples are: installation site plans, statistical data, special regulations, City department organizational charts, equipment layout, etc.

Appointing an Evaluation/Selection Committee¹⁰

The evaluation committee should be composed of a minimum of three individuals who are stakeholders in the final product or service, and/or individuals who have the necessary technical or program expertise. When a City department director proposes individuals to the Chief Procurement Officer and the City Manager to form an evaluation committee for a particular procurement, he or she should do so with the following general factors in mind:

- The relevance of the individual's education and experience to the subject matter of the solicitation;
- The possibility that a superior could directly or indirectly influence the manner in which a subordinate may vote;

¹⁰ See Appendix A for an example of an evaluation committee memo for projects not to exceed \$50,000. See Appendix B for an example of an evaluation committee memo for projects in excess of \$50,000.

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- The amount of time the individual would potentially be able to dedicate to the task relative to the amount of time needed to complete it; and
- The possibility of any conflicts of interest with respect to the individual's relationship to potential vendors. The individual must have the ability to maintain total impartiality throughout the selection process, as well as to focus on what is most advantageous for the City and not merely his or her own departments or individual perspectives.

The department director must select an individual on the evaluation committee to serve as the chairperson. The Chairperson duties shall include the following:

1. Being the Purchasing Division's point of contact with respect to the RFP;
2. Responsibility for maintaining the integrity of the overall evaluation process;
3. Scheduling all committee meetings;
4. Documenting members' scoring and ranking information;
5. Collecting evaluation committee members written notes and submitting it into the Purchasing Division;
6. Communicating the Committee's recommendation(s) to the Chief Procurement Officer and, if applicable, the City Manager.
7. Assist the Buyer of record respond to a vendor's request for debrief.

Only City employees should serve as voting members on evaluation committees, unless an exception is made by the City Manager in writing. Consultants may serve as technical advisors to the evaluation.

The Chief Procurement Officer approves members of evaluation committees for contracts estimated at or below \$50,000. For contracts that exceed \$50,000 as a single contract or as multiple contracts for the same services within 12 consecutive months, the members of the evaluation committee recommendation shall be reviewed by the Chief Procurement Officer and submitted to the City Manager for approval.

***Note:** There is no restriction as to how many people the department may nominate to the evaluation committee; however, the recommendation is to enlist three to five individuals possessing expertise for the service/product being acquired. A cross-functional/departmental list of individuals who will work on the project in different ways is preferred. Limiting the number of team members will make the coordination of activities run more smoothly and help ensure the security and integrity of the processes.*

Evaluation Committee Members

Serving as a member of an evaluation committee means that an individual will be entrusted with a great deal of responsibility on behalf of the City of Cincinnati to conscientiously evaluate the submitted proposals within the guidelines identified below. Evaluation committee members are frequently required to devote considerable time reading proposals, making site visits, meeting to discuss proposals with other evaluators, and engaging vendors in oral discussions. Acceptance of an invitation to serve on an evaluation committee should be construed as a commitment, within reasonable limits, to expend the time necessary to complete the entire process and to perform a thorough evaluation.

Duties and Responsibilities of Evaluation Committee Members

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Evaluation committee members must perform their evaluations to the best of their abilities without prejudice or bias. They must keep all information contained in proposals or obtained during the evaluation process confidential, to the extent allowed by law. Furthermore, they must render a fair and impartial evaluation based exclusively upon:

- The evaluation criteria contained in the RFP;
- The contents of the vendors' proposal;
- Information gained from clarification of proposals;
- Oral presentations;
- Discussions with vendors; or
- Other legitimate sources of reference.

All members of the committee are required to complete a Confidentiality Agreement and Conflict of Interest Form. The Confidentiality Agreement shall be completed prior to receipt of the proposals. Whereas, the Conflict of Interest Form shall be completed after the evaluation committee is notified of the firms that have submitted a proposal in response to the solicitation. See Appendix F for a copy of the forms.

If, upon receipt of the vendors' proposals, committee members find that a conflict of interest may exist, they should report it on the Conflict of Interest Form and immediately forward it to the Buyer of record. If a situation arises where it is necessary for a committee member to recuse him- or herself, the Chief Procurement Officer will determine if that person must be replaced or if the committee may proceed with the remaining members to complete the evaluation and make a recommendation.

Committee Meetings

Committee members are to attend all meetings of the committee. At the first committee meeting a timeline is typically established for the entire evaluation. This should include the number and dates of future meetings, if and when oral presentations will be held, and where the meetings will take place. It is the responsibility of the individual members to arrange their work schedules to allow for full and complete participation.

Committee members are encouraged to openly discuss their findings on each proposal at the scheduled evaluation committee meetings. They should also freely discuss factors that might influence their evaluations, such as previous experience with a vendor. Committee members should seek clarification from the Buyer of record as to whether factors that influenced them are proper to use or might be inappropriate.

Understanding solicitation documents

Committee members must read the RFP and acquaint themselves with the nature of the requested goods or services. If a committee member needs to make notations, he or she must preserve the notes. Any written comments become a permanent part of the documentation of the procurement. The Offerors' response to the RFP – together with evaluator's notes – may be made available to any member of the public who makes a public records request after the completion of the procurement process. Therefore, notes should

be factual, non-inflammatory and should contain neither offensive nor inappropriate remarks. Any questions should be directed to the Buyer of record or to the chairperson of the committee.

Notes are to be consistent with the final overall ranking of all vendors. There should be a note for each significant area in which a vendor is either weak or strong.

***Note:** Information submitted by an Offeror in response to a RFP or RFQ to the City becomes a public record subject to inspection and copying only after the contract is awarded.*

SBE Goal Setting

Before releasing any procurement estimated to be in excess of \$50,000, a City Purchasing buyer and the department representative requisitioning the purchase will review and research the scope of each proposed procurement solicitation to determine whether subcontracting possibilities exist. When it is evident there is subcontracting potential, the contracting agency must submit either a Goal Information Sheet or a Waiver Request to the MSDGC Office of Workforce and Business Development/SBE for a SBE participation goal determination.

All SBE Waiver Requests shall be reviewed by the MSDGC SBE Manager and submitted to the City Manager for approval.

In general, SBE subcontracting goals will not be applied to purchases of goods, materials, and supplies, as it is typically not commercially practical for a vendor to subcontract a portion of the work. The same could be said for some purchases of nonprofessional services. However, whenever there exist any inkling of doubt, the MSDGC divisions shall submit a Goal Information Sheet or a Waiver Request to the MSDGC SBE Manager for a participation goal determination.

Communications with Proposers

Starting on the date a solicitation is issued and expiring on the date the contract is awarded, actual and prospective Offerors/Proposers (including their representatives or persons acting on their behalf) are prohibited from contacting members of City Council or any City employees other than the Buyer of record, in any manner regarding the issued RFP or RFQ. Actual and prospective respondents or bidders include those respondents or bidders who have received notice that they have not been chosen as finalists

for any solicitation. Actual and prospective Offerors/Proposers (including their representatives or persons acting on their behalf) are expressly prohibited from offering, presenting or promising gratuities, favors, or anything of value to any member of an evaluation committee or any appointed or elected official or employee of the City of Cincinnati, their families or staff members.

Notwithstanding the foregoing, the following types of communication only are exempt and shall be permitted by Offerors/Proposers during an open procurement process:

1. Actual and prospective Offerors/Proposers formal response to the RFP;
2. Communications publically made during the official pre-bid conference;

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3. Written requests for clarification during the period officially designated for such purpose by the Buyer; and
4. Communications during an oral interview, scheduled at the request of and for the benefit of the City's evaluation committee, if any.

During the no contact period, the Buyer of record shall serve as the sole point of contact for any actual or prospective respondents. Any contact other than with the Buyer of record during the no contact period may be justification for rejection of the violator's proposal.

The Scoring Matrix¹¹

Collectively, the evaluation committee will determine how the evaluation of the proposal should be conducted and the method for selecting the most advantageous Offeror. A scoring matrix is used by the evaluation team to score the individual responses based on the evaluation criteria defined in the solicitation (i.e., RFP or RFQ) document. The matrix becomes the scoring worksheet to be completed by each evaluation team member. The individual scoring worksheet will be summarized and averaged for the Committee as a whole.

The matrix should be completed prior to publishing the solicitation document because departments may see that additions or revisions are needed when developing the scoring matrix. If time does not permit the scoring matrix to be completed prior to publication, then the matrix must be completed prior to the opening and review of the proposals. At a minimum, the scoring matrix must include the weight assigned to each criterion

The RFP must advise the proposers of the evaluation criteria, which reflects the essential qualities or performance requirements necessary to achieve the objectives of the contract and allow the evaluation team to fairly evaluate proposals. The evaluation criteria may take a variety of sources of information into consideration such as the written response, the oral presentation, and conformance to RFP requirements, experience, expertise, qualifications, proposed strategy and/or equipment. Specific portions of the required response should directly relate to the evaluation criteria. For example, if respondents will be evaluated on past performance, consider including a corresponding questionnaire.

To ensure fairness in evaluation, the evaluation criteria should reflect only those requirements specified in the RFP. The RFP should clearly state the consequences of failing to meet these requirements, such as being disqualified from the RFP process.

Criteria not included in the RFP may not be used in the selection or ranking of a proposal. For example, if respondents receive additional points for possessing a national accreditation, that criterion must be included in the RFP so that proposers know there is an opportunity to score higher by providing these options. Likewise, if this information is not requested in the RFP, proposers who neglect to offer these options cannot be penalized.

When determining the evaluation criteria, the team should also consider the proposal submission requirements associated with each criterion. In the sample criteria listed below, financial stability is a criterion on which the proposers will be evaluated. What information needs to be included in the response

¹¹ See Appendix C for examples of scoring matrices.

in order to effectively evaluate a proposer's financial information, such as audited financial statements, Dunn and Bradstreet numbers, performance standards, etc.? Other criteria may include experience, skills, qualifications of company staff, years in business, years of staff experience, certified or licensed employees, or historical performance of performing similar-sized projects.

The following list of weighted criteria is an example only. Weights are a numerical measurement assigned to a criterion to express its relative importance or authority accorded in scoring.

Sample Evaluation Criteria	Sample Weight
Cost	30%
Proposed services, including work plan and methodology	30%
Experience, Expertise, Qualifications of Offeror and Offeror's Staff	20%
SBE Participation	15%
Financial Capacity of Offeror	5%

Cost is typically the most significant evaluation factor. However, there are procurements in which the skills and experience of the contractor or other factors may be more important than cost. For example, if a consultant has to have a specific set of skills, the department may be willing to pay more for these skills. The criteria deemed most important by the department should be assigned a higher weight than the other criteria.

Evaluation of Offerors' Proposals

An assessment of the proposal itself and the proposer's ability to perform the prospective contract successfully should be conducted by the evaluation committee. The evaluation committee reviews the submitted proposals and then assesses their relative qualities solely on the factors and sub-factors specified in the RFP. Evaluations may be conducted using any rating method or combination of methods, including numerical weights and ordinal rankings. The relevant strengths, deficiencies, significant weaknesses, and risks supporting a proposer's evaluation are documented on the RFP evaluation matrix. Each RFP evaluation shall consist of at a minimum the following criteria:

1. **Cost or price evaluation** – Normally, competition establishes price reasonableness. Therefore, when contracting on a firm-fixed-price or fixed-price with economic price adjustment basis, comparison of the proposed prices will usually satisfy the requirement to perform a price analysis; therefore, a cost analysis need not be performed.

When a cost analysis is required, the evaluation committee should request detailed information to understand how an Offeror arrived at their quoted price. At this stage, price is considered an estimate and committee members must understand how the Offeror arrived at it before agreeing to the figures. Be certain the proposing Offeror's analysis of the *Scope of Service* is the same as intended by the Evaluation Committee, and the estimate has been prepared based on that scope. If the analysis by the Offeror is less than intended by the proposal, the estimate can be low. If the analysis included factors not contemplated by the proposal, the estimate could be high.

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Essentials of cost should be clearly identified before a price is set for any work or labor on contracts. For example, in the RFP the City may require the Offeror to submit the following:

1. The estimated direct labor cost and material costs to perform the work.
2. The overhead burden or indirect operational costs that the Offeror charges for the work.

Offerors should identify the number and types of personnel considered necessary to perform the Scope of Services in the negotiations (an employee classification and wage scale), including the amount of work by each type of employee (hours).

Most Offerors establish an overhead rate from accounting records applicable to the normal operation of the Offeror, usually expressed in terms of a percent of direct labor charges. A universal percentage cannot be established, since each Offeror has its own overhead rate. The analysis should recognize that overhead includes taxes, fringes, insurance costs, and other items.

Review and/or verify all of the above items in completing a price analysis. City staff familiar with the Scope of Services delineated in the RFP should be able to determine whether the amounts of time and the pay rates of the types of employees to complete the work are appropriate. Before an agreement is reached, questions the staff may have regarding price should be resolved. Consider using the following data:

- Customary or standard pay rates for that area;
 - Overhead cost levels on comparable offers and analysis of items included as overhead;
 - Former contracts including wage rates, overhead, and profit in those contracts;
 - Current staff experience in contracting for similar work; and
 - Reasonable price with all factors considered.
2. **Experience, Expertise and Qualifications** – Experience, expertise and qualifications are one indicator of an Offeror's ability to perform a contract successfully. The RFP evaluation committee reviews and determines the relevance of Offeror's experience, expertise and qualifications, including the source of the information, context of the data, and general trends in the Offeror's past performance. The committee may also take into account past performance information, key personnel who have relevant experience or subcontractors that will perform major or critical aspects of the contract when such information is relevant to the procurement.
 3. **Proposed Strategy or Operation Plan** – The proposed strategy or operation plan reflects those activities and services that are critical to the successful delivery or implementation to address the desired needs of the City. The proposed strategy or operation plan shall provide the detailed attributes – such as project timeline, deliverables, functionality, implementation, software, equipment, training etc. – that thoroughly explain the proposer's intent or solution to meet the City's overall objectives. This proposed strategy or operation plan should allow the evaluation team to understand the proposer's capability and proposed solutions or service level intentions.

Pre-Proposal Meetings or Site Visits

Pre-proposal meetings with interested parties are optional at the choice of the Buyer and the department for which the services are to be provided. The meetings serve the purpose of:

- Reviewing the requirements of the RFP;
- Facilitating a clear understanding; and
- Promoting competition.

The pre-proposal meeting is a meeting of the prospective proposers/Offerors, the Buyer, and the department's technical representative(s). The RFP should specify a reasonable location and conference time to maximize attendance. Generally, it is recommended that attendance of pre-proposal meetings not be a mandatory requirement of the RFP.

Some projects necessitate a site visit by proposers, such as those with installation requirements. The RFP should specify the location and time of site visit, as well as point of contact. Similar to pre-proposal meetings, it is recommended that attendance of site visits not be a mandatory requirement.

Pre-proposal meetings and site visits may result in later modifications the RFP if there are conditions of which the City may have been unaware of at the time the RFP was issued. In this event, a correction or addendum is composed by the Buyer of record in collaboration with the end-user and then posted publicly prior to the RFP closing date. Those attending the meeting are advised that only written modifications issued by the City are considered alterations to the RFP.

Preparing for a Pre-Proposal Meeting

A representative of the end user City department should serve as a chairperson during the pre-proposal meeting. The Buyer is primarily responsible for addressing procurement issues related to the purchasing process, including the RFP evaluation and award. The department should have representatives present to answer technical and site-specific questions. An attendance roster is established at each conference to collect the attendees' names, name of the represented company, and contact information (including e-mail addresses).

The following is a guideline of an agenda for a pre-proposal meeting:

1. **Opening** – After calling the conference to order, the City department representative introduces him/herself, covers basic housekeeping rules, lays out the agenda and has everyone introduce themselves.
2. **Recording** – The City department representative announces administrative information regarding any audio or videotaping of the conference. In addition, attendees are reminded that only a written change via an addendum or correction legally binds the RFP.

Note – It is recommended that the pre-proposal conferences be recorded (or detailed notes taken). The recording is a ready reference and checklist if there is a need to publish addenda.

3. **RFP Overview and Review** – The Buyer of record will cover the basic information concerning the RFP procurement process. A City department representative will give an overview of the project/scope of work. Review of the RFP itself serves as the focus for the conference. Proposers should be provided an opportunity to ask questions.

4. **Recap and Closing** – The City department representative summarizes the key points of the conference.

Simple questions should be answered immediately at meeting. Other more technical questions may not be easily answerable. In that event, the City should only provide an answer that will withstand rigorous scrutiny after the conference. All relevant questions or suggestions from proposers pertaining to the RFP must be addressed in the subsequent correction or addendum that should be issued in timely manner prior to proposal submission due date. No decision on complicated or sensitive matters should be made in haste at the pre-proposal meeting. Further research may be necessary to provide the correct answer.

Addenda to the Requests for Proposals

Prior to issuing an addendum, the Buyer must consider the time remaining until the RFP opening date. If additional time is needed for the proposer to respond, an addendum should be issued to extend the due date of the RFP. If an addendum that makes substantive changes to the RFP is necessary and five working days or less remain before the RFP opening date, the deadline for responding to the RFP should be extended.

Modification and Withdrawal of Proposals

Proposals can be modified and/or withdrawn at any time, if requested in writing, prior to the deadline date stated in the solicitation document, at which time proposals will be considered firm and become the property of the City and will not be returned.

Receiving and Opening the Proposal

The date, time and place for receiving the proposals are set out in the RFP document. The proposal will be considered only if received:

- Before the closing date and time, and
- At the right place designated for receipt.

Departments should allow realistic time frames for this process. The proposal due date is assigned based on the complexity of the RFP. In general, a 30- to 60-day solicitation is considered standard. If a site visit or a pre-proposal meeting is required, additional time should be allowed. These considerations are also weighed against the urgency of the department's need for the goods or services sought in the RFP.

After the proposal is received, the Buyer of record verifies the proposals for basic responsiveness of the following:

- Completion of all proposal requirements;
- Execution of offer; and
- Mandatory documents.

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Only those proposals that are submitted at the designated place of acceptance prior to the closing date and time and deemed responsive based on the above will be forwarded to the evaluation committee.

The Purchasing Division generally only makes the names available of the firms available who have submitted a proposal in response to a RFP if requested by an interested party. No further information is revealed at that time, as contents of proposals must remain confidential until date of contract award.

Evaluation and Contract Award

Before the individual evaluations begin, the assigned buyer and chairperson should meet with the evaluation committee to distribute non-disclosure forms, matrices, and proposals and to brief the evaluation committee on the following:

1. The Buyer should explain:
 - a. The evaluation process;
 - b. Member responsibilities regarding the critical nature of their nondisclosures and the integrity of the evaluation process;
 - c. That evaluation committee members may communicate with each other about the RFP, but that they should not disclose any information about the process to anyone not a part of the team;
 - d. The evaluation criteria and the scoring process; and
 - e. The scoring matrix to ensure the team understands how the matrix works and how proposals will be evaluated.
2. The evaluation committee chairperson should establish:
 - a. The deadline for completion of evaluations instructing all team members to refer all questions during the evaluation process to the Buyer of record;
 - b. The tabulation of scores; and
 - c. The principle that individual scores may be classified as a matter of public record.
3. The Buyer should stress the following points with the team:
 - a. Conclusions are reached independently but team members may discuss issues with each other in arriving at their conclusions.
 - b. Experts or Technical Advisors in a specific area may be used to help reach a decision. These experts or advisors shall provide factual data only and shall not tell committee members how to evaluate.
 - c. Each proposal should be evaluated individually against the requirements of the RFP.
 - d. Members may ask questions of the Offerors to get clarification with respect to the proposals if they are unable to find information, do not understand information in a proposal, or require technical assistance from other members. However, all questions should be coordinated through the Buyer.
 - e. After the technical evaluations are completed, all evaluation matrices must be turned in to the Buyer.

Team Scoring and Proposal Evaluation

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Step 1. The evaluation committee's first task is to eliminate all proposals that are not responsive to the RFP. Non-responsiveness includes failure to meet basic requirements or significant deviations from the terms of the RFP, such as not providing applicable licenses or certifications or not providing critical information that was requested in the RFP. Any bid that modifies or fails to conform to the essential requirements or specifications of the solicitation shall be considered nonresponsive and categorized as unacceptable.

Step 2. Once the nonresponsive proposals have been eliminated, the team should conduct an independent evaluation. In this phase, committee members should strive to evaluate each proposal

by identifying both the strengths and weaknesses of each proposal. Each committee member shall score each proposal accordingly and independently from other committee members' influence. Finally, the committee member will need to document any questions, concerns or pertinent information that they need to discuss with the evaluation team after it reconvenes to discuss the independent scores.

Step 3. Once the independent evaluations have been completed, committee members are encouraged to openly discuss their findings on each proposal at the scheduled evaluation committee meetings. They should also freely discuss factors that might influence their evaluations, such as previous experience with a vendor. Committee members should seek clarification from the Buyer of record as to whether factors that influenced them are proper to use or might be inappropriate. Finally, the evaluation team scores are tabulated and averaged for the committee as a whole to determine the highest ranked proposals. The committee members may choose to determine one or more proposals as most advantageous to the City here or they may opt to identify a shortlist of Offerors from the highest ranked proposals to participate in Step 4a and/or 4b (below).

Step 4a (optional). Once the shortlist has been identified, the team may invite potential proposers to provide oral presentations to the committee. The duration of such presentations is predetermined by the committee and all committee members must attend them, if possible. Members should – to the best of their abilities – ask questions regarding parts of proposals needing explanation or clarification or regarding those sections of a proposal that may have deficiencies. After the oral

presentations, the evaluation team scores are tabulated to determine the highest ranked proposals. The committee members may choose to determine one or more proposals as most advantageous to the City here or they may opt to identify a shortlist of Offerors from the highest ranked proposals to participate in Step 4 (below).

Step 4b (optional). Once the shortlist has been identified, the team may invite shortlisted proposers to participate in the next phase of the procurement, such as the second phase of a two part procurements where the City issued a RFQ first in order to shortlist firms to participate in subsequent RFP phase (e.g., Design-Build projects) or a field testing phase to test out equipment or proposed solutions. The duration and scope of the field testing phase may be delineated in the solicitation document or determined by the committee and communicated to the shortlisted firms by the Buyer of record by some other means following the opening of the proposals. For two part procurements where a RFP follows a RFQ or RFI, the RFP document will outline the requirements of the shortlisted firms. After the conclusion of the field testing or RFP phase that follows a RFI or RFQ, the evaluation team scores are tabulated to determine the highest ranked proposals. The

committee members may choose to determine one or more proposals as most advantageous to the City at this time.

Method of Evaluation

The recommended method for evaluation is to have each committee member conduct an initial independent score and then invite all team members back to discuss their findings. This will facilitate questions by team members to the Buyer or to the technical experts. While the Buyer and

technical experts may answer technical questions regarding proposals, they should not give personal opinions about a specific proposer. After the proposals are evaluated, the Buyer will review the tabulated score sheets and verify the accuracy of calculations. The calculations are then entered into the final scoring matrix to be included in the recommendation to award letter to the Chief Procurement Officer and the City Manager.

If it is apparent that one or more team members' evaluations differ significantly from the majority, the team should discuss the discrepancy to ensure the criteria were clear to all members and that specific information was not overlooked nor misunderstood. Following this discussion, should a team member feel that he or she did not understand the criteria, the proposal requirements, or simply overlooked information that was included in the proposal, the evaluator (through one's own discretion) may revise his or her evaluation score. The Buyer must be present during these discussions to ensure that no team member tries to influence the decision of other members. Under no circumstances should any team member attempt to pressure other members to change evaluation scores.

After the initial scores are tabulated, the evaluation committee will determine whether it wishes to hear oral presentations, and if so, which proposers/Offerors should be invited to give oral presentations. The team must determine how the results of the presentations will affect the total evaluation score; they may decide to assign extra points for oral presentations or to establish "oral presentation" as a separate factor to be evaluated after the presentations are made. The Buyer should notify the proposers who are invited to make oral presentations, making it clear that not all proposers have been selected (if appropriate). If there are particular questions the team would like to see addressed in the oral presentation, the Buyer should advise proposers of these in advance.

Oral Presentations

Oral presentations are conducted at the option of the evaluation committee. Oral presentations provide an opportunity for Offerors to highlight the strengths and unique aspects of their proposal and to provide answers to questions the City may have regarding the proposal. Demonstrations of product functionality are recommended when appropriate, such as for information technology procurements or solution-based procurements. Members should – to the best of their abilities – ask questions regarding parts of proposals needing explanation or clarification or regarding those sections of a proposal that may have deficiencies.

The duration of such presentations is pre-determined by the committee and all committee members must attend them, if possible. Oral presentations may be restricted to only those Offeror's in the competitive range of scores after the initial evaluation of all proposals. The selected Offerors should each be given the same amount of time to make their oral presentations to the evaluation team.

The oral presentation session is designed to:

- Satisfy the City's need for clarification and understanding of the information provided in the Offeror's proposal;
- Eliminate requirements that could result in excessive costs. This must be done in an impartial and objective manner; and
- Demonstrate the functionality of a product or service.
- Offer the Offeror an opportunity to propose a lower price or better product or service.

During the presentation, evaluation team members may ask questions about the proposal. When in person presentations or demonstrations are not possible, the presentation may be made by telephone or on-line conference. The presentation may be recorded for those not able to attend. The Offeror's answers are restricted to statements of facts. Discussion is permitted and an Offeror may change their proposal to make it more attractive to the City. The Offeror may be required to document an answer if written clarification is determined to be in the best interest of the City. All documented answers must relate specifically to discussions and questions asked.

Extreme care must be taken to preclude allowing the advertised scope of services/specifications to be materially modified (significant alterations of specifications) during the oral presentation. Care must also be taken to ensure the equality established for all Offerors is not destroyed through the discussion or response clarification process and that all Offerors are afforded the same opportunities. Details of competing proposals must not be discussed during presentations.

After the Oral Presentations, all Offerors that presented may be re-evaluated based on the Evaluation Criteria and process by the Evaluation Team.

Offeror's References

The City uses the following statement in all RFP and RFQ solicitation document:

[The City reserves the right to check all references furnished and consider responses received in determining the award.]

By using this clause, evaluation committees are not required to check references but may choose to do so. Whether or not to check references as part of the evaluation is at the discretion of the committee based on the individual procurement.

Depending on the individual procurement, the department may desire to add more specific language that requires Offerors to provide general letters of reference of projects that are similar to the scope of services described in the RFP or RFQ in their proposals.

If the evaluation committee opts to check references, a written questionnaire identifying the questions to be asked of the Offeror's references should be developed. Upon completing the reference checks, the buyer or designated member of the selection committee documents and reports all findings to the evaluation committee.

Committee Award Recommendation¹²

With the assistance of the entire committee, the committee chairperson must make a written recommendation to award to a Offeror or Offerors deemed most advantageous to the City. This recommendation consists of:

- A summary of the procurement process;
- The acceptability or unacceptability of each vendor;
- The technical and financial ranking of each acceptable vendor;
- The combined final ranking of the vendors; and
- A detailed rationale explaining why the recommended vendor (or vendors) is the most advantageous.

Pursuant to Administrative Regulation No. 23, the Chief Procurement Officer may approve evaluation committee's award recommendation for contracts estimated at or below \$50,000. For contracts that exceed \$50,000 as a single contract or as multiple contracts for the same services within 12 consecutive months, the evaluation committee's contract award recommendation shall be reviewed by the Chief Procurement Officer and submitted to the City Manager for approval.

Contract Negotiation¹³

After the Chief Procurement Officer or the City Manager as approved the evaluation committee's recommendation to award, a team consisting of appropriate representatives of the City (e.g., a representative from the City Solicitor's office, an end user department representative, a Buyer from the Division of Purchasing, etc.) and selected members of the evaluation committee will attempt to negotiate a contract with the top-rated proposer. Negotiations are not limited to a single proposal, and in some cases, the City may conduct negotiations with multiple proposers simultaneously in order to secure the best terms for the City. This process should be limited to significant procurements only.

Notice of Award

The Buyer shall notify the selected proposer or proposers in writing of the City's intent to enter into negotiations. After the City Manager or the appropriate board or commission awards a contract, an electronic or physical copy of the contract and a notice to proceed shall be issued to the resultant contractor.

Contract File

The Buyer of record and the end user department shall maintain a contract file, which identifies the successful proposer and the basis for the award decision. All documentation generated by the evaluation

¹² See Appendix D for a sample Evaluation Committee Award Recommendation Memo.

¹³ Refer to the section titled "Important Considerations Unique to MSDGC" for specific evaluation, ranking, and contract negotiations requirements for professional design services and construction management services for Consent Decree projects or purchases unique to MSDGC.

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committee, individual committee members' reports, supporting written rationale, and the final recommendation is to be included in the contract file.

This file becomes a matter of public record, and is open for review by the public and proposers upon final disposition of the contract or purchase order.

The only items the City can hold as confidential are items in the proposal marked confidential. If the Offeror has marked information in the proposal as confidential, upon receipt of a public records request, the City will notify the Offeror of its intent to release records to the requestor. The Offeror shall have a maximum of five (5) business days beginning with the date it receives notification to respond to the City by either accommodating the requestor, providing redacted copies of the documents, or pursuing legal remedies to stop the City's release of requested information. Said notification shall relieve the City of any further obligation under any claim of Offeror or any of its agents or affiliates in any jurisdiction in connection with the disclosure of such records. Offeror and its agents and affiliates may pursue legal and/or equitable remedies to stop or limit disclosure at their sole expense.

Confidential or proprietary material must be clearly identified by the Offeror and easily separable from the rest of the proposal. Such a request must provide written justification as to the basis for propriety or confidentiality treatment.

Offeror/Proposer Debriefings

It is possible that after a contractor is awarded the resultant contract from a RFP, Offerors not selected for award may request a debriefing of the procurement to get a sense of their proposals strengths and deficiencies. If a debriefing is granted, the committee chairperson may be called upon to help the Buyer of record respond to debrief. The committee chairperson and the Buyer of record may need to meet with committee members and review notes prior to the actual debriefing.

APPENDIX

Appendix A – Evaluation Committee Approval Memo for projects not to exceed \$50,000

Appendix B – Evaluation Committee Approval Memo for projects in excess of \$50,000

Appendix C – Example Scoring Matrices

Appendix D – Example Award Recommendation Memo

Appendix E – RFP/Q Solicitation Preparation Checklist

Appendix F – Confidentiality Agreement and Conflict of Interest Form

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Appendix A
Evaluation Committee Approval Memo for projects not to exceed \$50,000



February 29, 2016

Appendix A – Evaluation Committee Approval Memo for projects not to exceed \$50,000

TO: Patrick A. Duhaney, Chief Procurement Officer

FROM: Jane Doe, Director of Something

CC: Joe Buyer, City Purchasing; Jane Project, Department Rep

SUBJECT: Request for Approval of the Evaluation Committee Members for the Request for Proposals (RFP) for Management of Duke Energy Convention Center (RFP426DECC)

The following list of the proposed members of the evaluation committee that will be tasked with reviewing the Proposals/Qualifications submitted by firms in response to the above referenced RFP/RFQ. The proposed members of the evaluation committee are:

1. Jane Engineer, Senior Engineer, Department of Something Committee Chair
2. Ricky Spice, Division Manager, Department of Somewhere
3. Dillon Sugar, Senior Accountant, Department of Overthere

If you agree with this list of evaluators, please acknowledge your concurrence by signing below.

Approved:

Patrick A. Duhaney, Chief Procurement Officer

Date

Appendix B
Evaluation Committee Approval Memo for projects in excess of \$50,000



February 29, 2016

Appendix B – Evaluation Committee Approval Memo for projects in excess of \$50,000

TO: Harry Black, City Manager

FROM: Jane Doe, Director of Something

CC: Joe Buyer, City Purchasing; Jane Project, Department Rep

SUBJECT: Request for Approval of the Evaluation Committee Members for the Request for Proposals (RFP) for Management of Duke Energy Convention Center (RFP426DECC)

The following list of the proposed members of the evaluation committee that will be tasked with reviewing the Proposals/Qualifications submitted by firms in response to the above referenced RFP/RFQ. The proposed members of the evaluation committee are:

1. Jane Engineer, Senior Engineer, Department of Something Committee Chair
2. Ricky Spice, Division Manager, Department of Somewhere
3. Dillon Sugar, Senior Accountant, Department of Overthere

If you agree with this list of evaluators, please acknowledge your concurrence by signing below.

Reviewed/Recommended: _____ Date _____
Patrick A. Duhaney, Chief Procurement Officer

Approved: _____ Date _____
Harry Black, City Manager

Appendix C Example Scoring Matrices

Appendix C – Example Scoring Matrices: Example 1

TITLE OF PROJECT AND SOLICITATION # *(inserted by the Purchasing Division)*

Firm Name: _____.

Evaluator: _____.

Date: _____.

Scores will be assigned as follows:

- 5 = Outstanding
- 4 = Good, exceeds minimum requirement
- 3 = Average, meets minimum requirement
- 2 = Marginal, only partially responsive
- 1 = Poor, inadequate, fails to meet requirement
- 0 = Unsatisfactory, no response

Criteria		Score	Weight (0-5)	Points
1. Demonstrated Ability to meet Scope of Services (20 points possible)		----	----	----
(Criteria from RFP)	5 points possible		X 1	
	5 points possible		X 1	
	5 points possible		X 1	
	5 points possible		X 1	
2. Demonstrated Technical Capability (15 points possible)		----	----	----
(Criteria from RFP)	5 points possible		X 1	
	5 points possible		X 1	
	5 points possible		X 1	
3. Qualification and Expertise of Staff (15 points possible)		----	----	----
(Criteria from RFP)	5 points possible		X 1	
	5 points possible		X 1	
	5 points possible		X 1	
4. References (5 points possible)	5 points possible		X 1	
5. SBE Participation (5 points possible)	5 points possible		X 1	
5. Cost (40 points possible)	40 points possible			
<i>Composite Score</i>	(100 points possible)		<i>Total</i>	

These points were provided by the Purchasing Division as an example.

* Evaluation Committee will use the following cost formula: The points assigned to each Offeror's proposal will be based on the lowest proposal price. The Offeror with the lowest Proposed Price will receive 100% of the price points. All other Offerors will receive a portion of the total cost points based on what percentage higher their Proposed Price is than the Lowest Proposed Price. An Offeror whose Proposed Price is more than double (200%) the Lowest Proposed Price will receive no points. The formula to compute the points is: Cost Points x (2- Proposed Price/Lowest Proposed Price).

Appendix C Example Scoring Matrices

Appendix C – Example Scoring Matrices: Example 2

TITLE OF PROJECT AND SOLICITATION # (*inserted by the Purchasing Division*)

Firm Name: _____.

Evaluator: _____.

Date: _____.

Scores will be assigned as follows:

- 5 = Outstanding
- 4 = Good, exceeds minimum requirement
- 3 = Average, meets minimum requirement
- 2 = Marginal, only partially responsive
- 1 = Poor, inadequate, fails to meet requirement
- 0 = Unsatisfactory, no response

Criteria		Score	Weight (0-5)	Points
1. Scope of Services (40 points possible)		----	----	----
Creative Approach	10 points possible		X 2	
Sample Creative Concept	15 points possible		X 3	
Examples of Past work	5 points possible		X 1	
Understanding of agency mission	5 points possible		X 1	
Realistic allocation of hours for each element	5 points possible		X 1	
2. Specific Staff Experience (25 points possible)		----	----	----
Expertise of staff involved in project	10 points possible		X 2	
Direct experience in specific project	10 points possible		X 2	
Demonstrated ability to reach target audience	5 points possible		X 1	
3. Timeframe (5 points possible)		----	----	----
Demonstrated ability to complete project within required time	5 points possible		X 1	
4. SBE Participation (5 points possible)	5 points possible		X 1	
4. Cost (30 points possible)	25 points possible			
Composite Score	100 points possible		Total	

These points were provided by the Purchasing Division as an example.

* Evaluation Committee will use the following cost formula: The points assigned to each Offeror's proposal will be based on the lowest proposal price. The Offeror with the lowest Proposed Price will receive 100% of the price points. All other Offerors will receive a portion of the total cost points based on what percentage higher their Proposed Price is than the Lowest Proposed Price. An Offeror whose Proposed Price is more than double (200%) the Lowest Proposed Price will receive no points. The formula to compute the points is: Cost Points x (2- Proposed Price/Lowest Proposed Price).

Appendix D

Example Award Recommendation Memo



Appendix D – Example Award Recommendation Memo

Note: All text in italics and underlined are for example purposes only

February 29, 2016

TO: Harry Black, City Manager

FROM: Jane Worker, Senior Engineer, Evaluation Committee Chairperson

CC: Emily Buyer, Senior Buyer; Evaluation Committee Members;

SUBJECT: Recommendation of Award to *ABC INC.* pursuant to *RFQ #2015-002* for the *Program Management services for the LMCPR and Project Management and Construction Management (as Agent) services for the VCS Project*

Submitted herewith for your review and concurrence is the award recommendation for the above referenced *Request for Proposal (RFP)*.

HISTORY

On _____ *Department of Public Services* solicited a *RFP* for _____. The objective of the *RFP* was to contract with the firm (s) that submitted the “Most Advantageous” offer(s) to the City for the requested services. In order to insure the objective was met, Offerors were evaluated based on the following evaluation criteria: *Cost, Overall Qualification and Experience of the Firm, Qualifications of Key Personnel, SBE Utilization.*

The Proposals were opened on _____, of the *six (6) proposals received, all were responsive*. The responsive firms are as follows:

- *Company 1*
- *Company 2*
- *Company 3*
- *Company 4*
- *Company 5*
- *Company 6*

The Proposals were evaluated by a cross departmental team which included _____ *(names and departments)*. Additionally, City Purchasing evaluated each Proposal for responsiveness/compliance to the *RFP/RFQ*. Based on the above objective the following Proposal evaluation was prepared.

PROPOSAL EVALUATION PROCESS

All Proposals were first examined to determine whether or not they met all the requirements of the *RFP*. A point and weight system was then used to evaluate the Proposals by taking the points assigned to a category item and multiplying by the category item’s weight (listed below). Each category item was assigned a point range of 0 to 4.

Categories	Weight
1. <u><i>SBE Utilization</i></u>	<u><i>10%</i></u>
2. <u><i>Overall Qualification and Experience of the Firm</i></u>	<u><i>30%</i></u>

Appendix D

Example Award Recommendation Memo

3.	<u>Qualifications of Key Personnel</u>	<u>35%</u>
4.	<u>Cost</u>	<u>25%</u>
Total		<u>100%</u>

1. **Overall Qualification and Experience of the Firm:** This category dealt with the prior experience and capabilities of the Respondent in providing the requested services to an institution such as UTMB.
2. **SBE Utilization:** This category dealt with the bidder's ability to meet the SBE requirements.
3. **Qualifications of Key Personnel:** This category dealt with quality and type of the training materials, as well as, the quality and experience of the Respondent's staff assigned to this project.
4. **Cost:** This category dealt with the total overall cost.

The spreadsheet attached hereto as Exhibit No. 1 details the scoring for each Proposal.

SUBMITTED PROPOSALS

Listed below is a synopsis of each responsive Proposal submitted.

Company 1

The highest rated response; excelling in the following areas:

- Excellent Qualifications (i.e., prior experience and references)
- Excellent overall Scope of Work
- Excellent Staff and Deliverables
- Second Highest rated Cost Proposal

Company 2

The second highest rated response; excelling in the following areas:

- Excellent Qualifications (i.e., prior experience and references)
- Excellent overall Scope of Work
- Excellent Staff and Deliverables
- Third Highest rated Cost Proposal

Company 3

The third highest rated response; excelling in the following areas:

- Excellent Qualifications (i.e., prior experience and references)
- Excellent overall Scope of Work
- Excellent Staff and Deliverables
- Fifth Highest rated Cost Proposal

Company 4

The fourth rated response; excelling in the following areas:

- Excellent Qualifications (i.e., prior experience and references)
- Excellent overall Scope of Work
- Excellent Staff and Deliverables
- Fifth Highest rated Cost Proposal

Appendix D

Example Award Recommendation Memo

Company 5

The fifth rated response, met the overall requirements:

- Excellent Qualifications (i.e., prior experience and references)
- Good overall Scope of Work
- Excellent Staff and Deliverables
- Fourth Highest rated Cost Proposal

Company 6

The sixth rated response, did not meet the overall requirements:

- Marginal Qualifications (i.e., prior experience and references)
- Poor overall Scope of Work
- Poor Staff and Deliverables
- Highest rated Cost Proposal

RECOMMENDATION

After a thorough evaluation by the Evaluation Committee, we recommend an award be made to Company 1. While other Respondents also offered good overall Proposals, Company 1 can provide the services with equal expertise at a lower overall cost. Based on their Proposal and experience, Company 1's offer is the most advantageous in support of the _____ needs of the City.

Please indicate your concurrence with recommendation that the City enters into negotiations with Company 1. If there are any questions or further information needed, please contact me at x3211 or via email.

Reviewed:	Jackie Boss, Director of Something	Date
Approved:	Patrick Duhaney, Chief Procurement Officer	Date
Approved:	Harry Black, City Manager	Date

Appendix E RFP/Q Solicitation Preparation Checklist

Appendix E – RFP/Q Solicitation Preparation Checklist

RFP/Q Solicitation Preparation Checklist

Project Name/RFP Title: *(e.g. Body Worn Cameras for Cincinnati Police)*

Department Responsible for RFP: *(e.g., Greater Cincinnati Water Works)*

Contact Info for Department Point of Contact:

Name: **Title:** **Phone:** **Email:**

Brief description of project scope:

(e.g., CPD is seeking to acquire approximately 1,000 BWCs to be utilized by sworn police officers which will record video and audio interactions with officers and approximately 100 additional non-functional training BWCs.)

Briefly describe what the vendor is to provide:

(e.g., The Offeror shall provide Body Worn Cameras (BWC) and associated services required to assist the City with managing, operating, and maintaining the BWC system.)

Item	Question	Answer/Additional Comments
1	Do you need a Request for Proposal (RFP) or Request for Qualifications (RFQ)? <ul style="list-style-type: none"> See RFP manual for help with choosing between a RFP or RFQ. 	<i>(e.g., RFP)</i>
2	Has your department director approved this solicitation?	<i>(e.g., yes or no)</i>
3	MBE and WBE or SBE participation goal Prior to issuing a RFP or RFQ, the total cost of which is estimated to be \$50,000 or more, the contracting agency must submit either a Goal Information Sheet or a Waiver Request to the Department of Economic Inclusion (DEI) for a M/WBE participation goal determination. M/WBE subcontracting goals are calculated based on an availability analysis based on the ratio of certified M/WBE firms to total available firms. In the event that DEI determines that M/WBE subcontracting goals will not apply to a RFP or RFQ, the SBE subcontracting goal of 15% (or 30% for construction) will apply on projects of \$100,000 or more, unless waived or reduced. All M/WBE or SBE Waiver Requests shall be reviewed by the Director of DEI and submitted to the City Manager for approval.	Include completed and approved M/WBE Goal Information Sheet or completed or approved Waiver Request.

Appendix E

RFP/Q Solicitation Preparation Checklist

Item	Question	Answer/Additional Comments
4	Completed and attach Form 217 (for Construction Projects)	YES
5	Estimated Cost of Acquisition (including all option years):	<i>(e.g., \$98,000)</i>
6	Will a Pre-proposal Meeting or Site Visit be held? If so, list the date, time and location for each event.	<i>(e.g., December 11, 2015 at 2:25 PM in City Hall, 801 Plum Street, Room 11, Cincinnati, OH 45202)</i>
7	Desired Date to Issue RFP to Vendors:	<i>(e.g., 1/11/2016)</i>
8	Desired Date to Receive Proposals from Vendors: <ul style="list-style-type: none"> Minimum two weeks after issue date. 	<i>(e.g., 1/31/2016)</i>
9	Is this RFP or RFQ for services to replace a current or previous contract? If so, provide the names of the incumbents/previous contractors and contract number?	<i>(e.g., Smith Plumbing Services, Contract No. 55x2100)</i>
10	Proposed evaluation committee members. Attach a memo from the director proposing selection committee members. See RFP Manual.	<i>(e.g., Attached)</i>
11	Did any firms provided services for the preparation or implementation of a project prior to the City releasing any bid, RFP, or RFQ or assist with preparing the Scope of Services? If so, please submit a list of any firms.	<i>(e.g., yes or no)</i>
12	Does the department want any particular vendors to receive the solicitation? If so, please list any vendors the department wants to receive solicitation (vendor list must include the following: name of firm and the name, phone, and email of direct contact within the firm).	<i>(e.g., Yes. List included)</i>
13	Any special forms to be included in the bidding booklet as a result of the funding utilized? If yes, please list at right and either indicate server file pathway to MS Word or PDF versions or attach a copy of additional forms to be included.	<i>(e.g., No)</i>
14	List any additional comments or special issues not addressed above	<i>(e.g., N/A)</i>

Appendix F
Confidentiality Agreement and Conflict of Interest Form



Appendix F – Confidentiality Agreement and Conflict of Interest Form

CONFIDENTIALITY AGREEMENT
AND
CONFLICT OF INTEREST DISCLOSURE

I, _____, have been appointed by the City of Cincinnati to serve as an evaluator of proposals for the procurement of Request for Proposal (RFP) [RFP Number] for [Title of RFP]. I understand that my appointment is governed by and agree to comply with the following conditions and representations regarding the use of any and all information I receive during the procurement process in accordance with Administrative Regulation No. 23 and the policies promulgated in the RFP manual.

1. I understand that all information I receive during the procurement process, including but not limited to the contents of specific proposals, my evaluations and those of other evaluators, rankings and discussions regarding proposals, constitutes "Confidential Information."
2. I understand that any unauthorized disclosure of Confidential Information will compromise the fairness of the procurement process.
3. I agree:
 - a. to hold all Confidential Information in strictest confidence; and
 - b. not to disclose Confidential Information to any person other than evaluators and Purchasing representatives unless I have prior written permission from the Chief Procurement Officer to make a disclosure; and
 - c. not to have any direct or indirect contact or discussions with any party who submits a proposal outside of the meetings scheduled as part of the procurement process; and
 - d. to notify the assigned Buyer or the Purchasing Division immediately if:
 - i. any person who is not a member of the evaluation team or the Division of Purchasing contacts or attempts to contact me about this procurement.
 - ii. a conflict of interest occurs (see attached City of Cincinnati Conflict of Interest form).
 - iii. I obtain information outside of this procurement process that could impair or could create the appearance of impairing my ability to evaluate proposals submitted in response to this RFP fairly and impartially.

4. City Employee: ☐ Yes ☐ No

I understand that, as a City employee, if I violate this agreement, I may be subject to disciplinary action.

Read and Accepted by:

Signature of Evaluator

Printed Name of Evaluator

Date

Appendix F

Confidentiality Agreement and Conflict of Interest Form

CONFLICT OF INTEREST FORM

NAME:

DATE:

RFP NO. AND TITLE:

This form must be completed by each person that serves on the evaluation committee after receipt of the proposals, so that the City may assess whether the proposed staff exhibit a conflict of interest.

Questions	Yes (Provide Details)	No
<p>1. Personal Relationships</p> <p>a. Do you currently have or have had any official, professional, financial, or personal relationships with any person or firm associated with this assignment?</p> <p>b. If yes, name the person or firm and describe the type and extent of the relationship.</p> <p>c. In your opinion, might this affect your judgment or your ability to execute this assignment in a fair and impartial manner?</p>		
<p>2. Stock and Investments</p> <p>a. Do you own any stock in any company likely to be affected by or involved in the procurement process?</p> <p>b. Does your spouse, domestic partner, or a dependent own any stock in company likely to be affected by or involved in the procurement process?</p> <p>c. Do you hold any investments in any entity (e.g. partnership, limited liability company, or a trust) likely to be affected by or involved in the procurement process?</p> <p>d. Does your spouse, domestic partner, or a dependent hold any investments in any entity (e.g. partnership, limited liability company, or a trust) likely to be affected by or involved in the procurement process?</p> <p>If the answer is yes to any of the above questions, please provide the name of the company and the amount of the stock or investment.</p>		

Appendix F

Confidentiality Agreement and Conflict of Interest Form

Questions	Yes (Provide Details)	No
<p>3. Employment & Consulting</p> <p>a. Is your spouse, domestic partner, or a dependent employed/retained by anyone likely to be affected by or involved in the procurement process?</p> <p>b. Has your spouse, domestic partner, or dependent been previously employed/retained by anyone likely to be affected by or involved in the procurement process?</p> <p>c. Have you been employed/retained by anyone likely to be affected by or involved in the procurement process?</p> <p>If the answer is yes to any of the above questions, please provide name of employer, nature of services provided, and date of employment/retainment.</p>		
<p>4. Payments or Gifts</p> <p>a. Within the past 12 months, have you received any payments or gifts from anyone likely to be affected by or involved in the procurement process?</p> <p>b. Within the past 12 months, has your spouse, domestic partner, or a dependent received any payments or gifts from anyone likely to be affected by or involved in the procurement process?</p> <p>If the answer is yes, please provide the amount the payment or value of the gift, the name and position of the payor/donor and the date of receipt.</p>		
<p>5. Real Estate:</p> <p>a. Do you own real property that is likely to be affected by or involved in the procurement process?</p> <p>b. Does your spouse, domestic partner, or a dependent own real property that is likely to be affected by or involved in the procurement process?</p> <p>If the answer is yes, please provide the location of the property.</p>		

Appendix F

Confidentiality Agreement and Conflict of Interest Form

Questions	Yes (Provide Details)	No
<p>6. Positions</p> <p>a. Do you currently hold a position (e.g. member of a board of directors) of any entity (e.g. a company, partnership, association, nonprofit) that is likely to be affected by or involved in the procurement process?</p> <p>b. Does your spouse, domestic partner, or a dependent hold a position (e.g. member of a board of directors) of any entity (e.g. a company, partnership, association, nonprofit) that is likely to be affected by or involved in the procurement process?</p> <p>If the answer is yes, please provide the name of the entity, and the title of the position held.</p>		
<p>7. Are you aware of any facts or circumstance that might give someone the impression that your participation in this process would create a conflict of interest?</p>		

The undersigned has read and understood Conflicts of Interest and Contracting Ethics section of the RFP manual. If during the course of the assignment any personal, external, or organizational impairments occur that may affect the undersigned's ability to perform the work and report findings impartially, the undersigned will notify the respective Procurement Authority of the City of San José immediately.

Date

Signature